



MARITIME SAFETY COMMITTEE
72nd session
Agenda item 3

MSC 72/3
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CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended

Note by the Secretariat

SUMMARY

<i>Executive summary:</i>	The Committee is invited to consider, with a view to adoption, proposed amendments to SOLAS regulation III/28.2 relating to helicopter landing areas; and SOLAS chapter V regarding the Ice Patrol Service and the associated Rules for the management, operation and financing of the North Atlantic Ice Patrol
<i>Action to be taken:</i>	Paragraph 4
<i>Related documents:</i>	MSC 70/23/Add.2, annex 19; MSC 71/23/Add.1, annex 2; circular letters No.2108 and Corr.1 and No.2150

1 The Committee will recall that, at its seventieth and seventy-first sessions, it approved, with a view to adoption at its seventy-second session, the following proposed amendments to the 1974 SOLAS Convention, as set out in annex 1*:

- .1 draft amendments to SOLAS regulation III/28.2 relating to helicopter landing areas; and
- .2 draft amendments to SOLAS regulations V/5 and 6 regarding the Ice Patrol Service.

2 The Committee will also recall that, at its seventieth session, it approved with a view to adoption at its seventy-second session, draft Rules for the management, operation and financing of the North Atlantic Ice Patrol, as set out in annex 2**.

3 The proposed amendments and the draft Rules have been circulated to all IMO Member Governments and Contracting Governments to the 1974 SOLAS Convention, in accordance with the provisions of article VIII(b)(i) of the Convention, under cover of circular letters No.2108 and Corr.1 of 11 January 1999 and 5 February 1999 respectively and No.2150 of 31 August 1999.

* The annex also includes a draft MSC resolution on adoption of the proposed amendments, as prepared by the Secretariat.

** The annex also includes a draft MSC resolution on adoption of the Rules, as prepared by the Secretariat.

Action requested of the Committee

- 4 The Committee is invited to consider with a view to adoption:
 - .1 the proposed amendments to the 1974 SOLAS Convention, set out in annex 1, in accordance with article VIII(b)(iv) of the Convention; and
 - .2 the draft Rules, set out in annex 2.

ANNEX 1**DRAFT RESOLUTION MSC.[...](72)****(adopted on [... May 2000])****ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION
FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING FURTHER article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974, hereinafter referred to as “the Convention”, concerning the procedures for amending the Annex to the Convention, other than the provisions of chapter I thereof,

NOTING its decision, at its seventieth session, that the requirement of SOLAS regulation III/28.2 (that passenger ships of 130 m in length and upwards constructed on or after 1 July 1999 should be fitted with a helicopter landing area) should be repealed for non ro-ro passenger ships, and the subsequent issuance to this effect of MSC/Circ.907 on Application of SOLAS regulation III/28.2 concerning helicopter landing areas on non ro-ro passenger ships,

NOTING FURTHER the obligation of Contracting Governments which operate ships in the North Atlantic and are specially interested in the ice patrol services in the region, to undertake to contribute to the expenses of maintaining and operating these services, in order to enable ships flying their flags to ensure safe navigation under regulations V/6 and V/7 of the Annex to the Convention,

HAVING CONSIDERED, at its seventy-second session, amendments to the Convention proposed and circulated in accordance with article VIII(b)(i) thereof,

1. ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the Convention, the text of which is set out in the Annexes to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that:
 - (a) the amendments set out in annex 1 shall be deemed to have been accepted on [1 July 2001]; and
 - (b) the amendments set out in annex 2 shall be deemed to have been accepted on [1 January 2002],

unless, prior to these dates, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments;

3. INVITES Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention:

- (a) the amendments set out in annex 1 shall enter into force on [1 January 2002]; and
- (b) the amendments set out in annex 2 shall enter into force on [1 July 2002],

upon their acceptance in accordance with paragraph 2 above;

4. REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in Annexes 1 and 2 to all Contracting Governments to the Convention;

5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annexes to Members of the Organization, which are not Contracting Governments to the Convention.

ANNEX 1

**AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY
OF LIFE AT SEA, 1974, AS AMENDED**

**CHAPTER III
LIFE-SAVING APPLIANCES AND ARRANGEMENTS**

Regulation 28 – Helicopter landing and pick-up areas

In paragraph 2 of the regulation, the words “Passenger ships” are replaced by the words “Ro-ro passenger ships”.

ANNEX 2

**AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY
OF LIFE AT SEA, 1974, AS AMENDED**

**CHAPTER V
SAFETY OF NAVIGATION**

Regulations 5 and 6 – Ice Patrol

The existing regulations 5 and 6 are replaced by the following:

**“Regulation 6
Ice Patrol Service**

1 The Ice Patrol contributes to safety of life at sea, safety and efficiency of navigation and protection of the marine environment in the North Atlantic. Ships transiting the region of icebergs guarded by the Ice Patrol during the ice season are required to make use of the services provided by the Ice Patrol.

2 The Contracting Governments undertake to continue an ice patrol and a service for study and observation of ice conditions in the North Atlantic. During the whole of the ice season, i.e. for the period from February 15th through July 1st of each year, the south-eastern, southern and south-western limits of the region of icebergs in the vicinity of the Grand Banks of Newfoundland shall be guarded for the purpose of informing passing ships of the extent of this dangerous region; for the study of ice conditions in general; and for the purpose of affording assistance to ships and crews requiring aid within the limits of operation of the patrol ships and aircraft. During the rest of the year the study and observation of ice conditions shall be maintained as advisable.

3 Ships and aircraft used for the ice patrol service and the study and observation of ice conditions may be assigned other duties provided that such other duties do not interfere with the primary purpose or increase the cost of this service.

4 The Government of the United States agrees to continue the overall management of the ice patrol service and the study and observation of ice conditions, including the dissemination of information therefrom.

5 The terms and conditions governing the management, operation and financing of the Ice Patrol are set forth in the Rules for the management, operation and financing of the Ice Patrol which shall be adopted, amended and brought into force in accordance with article VIII(b) of the Convention for amendments to the Annex other than chapter I of the present Convention.

6 If, at any time, the United States and/or Canadian Governments should desire, it may discontinue providing these services, and the Contracting Governments shall settle the question of continuing these services in accordance with their mutual interests. The United States and/or Canadian Governments shall provided 18 months written notice to all Contracting Governments whose ships entitled to fly their flag and whose ships registered in territories to which those Contracting Governments have extended this regulation benefit from these services before discontinuing providing these services.”

ANNEX 2**DRAFT RESOLUTION MSC.[...](72)
(adopted on [...]May 2000)****ADOPTION OF RULES FOR THE MANAGEMENT, OPERATION AND
FINANCING OF THE NORTH ATLANTIC ICE PATROL**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECOGNIZING the need to provide terms and conditions to govern the management, operation and financing of the North Atlantic Ice Patrol referred to in regulation 6 of chapter V of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended,

NOTING resolution MSC.[...](72) by which it adopted amendments to chapter V of the SOLAS Convention to make the provisions of the Rules for the management, operation and financing of the North Atlantic Ice Patrol mandatory under that Convention on or after [1 July 2002],

HAVING CONSIDERED, at its seventy-second session, the text of the proposed Rules,

1. ADOPTS Rules for the management, operation and financing of the North Atlantic Ice Patrol, the text of which is set out in the Annex to the present resolution;
2. NOTES that, under the amendments to regulation 6 of chapter V of the SOLAS Convention, amendments to the annexed Rules shall be adopted, brought into force and shall take effect in accordance with the provisions of article VIII of that Convention concerning the amendment procedure applicable to the Annex to the Convention other than chapter I;
3. REQUESTS the Secretary-General to transmit certified copies of the present resolution and the text of the Rules contained in the Annex to all Contracting Governments to the Convention;
4. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annex to Members of the Organization, which are not Contracting Governments to the Convention.

ANNEX

**RULES FOR THE MANAGEMENT, OPERATION AND FINANCING
OF THE ICE PATROL**

The following Rules are adopted by the Organization:

**"RULES FOR THE MANAGEMENT, OPERATION AND FINANCING
OF THE NORTH ATLANTIC ICE PATROL**

1 In these Rules:

- .1 *ice season* means the annual period between February 15 and July 1.
- .2 *region of icebergs guarded by the ice patrol* means the south-eastern, southern and south-western limits of the region of icebergs in the vicinity of the Grand Banks of Newfoundland.
- .3 *routes passing through regions of icebergs guarded by the Ice Patrol* means:
 - .3.1 routes between Atlantic Coast ports of Canada (including inland ports approached from the North Atlantic through the Gut of Canso and Cabot Straits) and ports of Europe, Asia or Africa approached from the North Atlantic through or north of the Straits of Gibraltar (except steamer routes which pass south of the extreme limits of ice of all types).
 - .3.2 routes via Cape Race, Newfoundland between Atlantic Coast ports of Canada (including inland ports approached from the North Atlantic through the Gut of Canso and Cabot Straits) west of Cape Race, Newfoundland and Atlantic Coast ports of Canada north of Cape Race, Newfoundland.
 - .3.3 routes between Atlantic and Gulf Coast ports of the United States (including inland ports approached from the North Atlantic through the Gut of Canso and Cabot straits) and ports of Europe, Asia or Africa approached from the North Atlantic through or north of the Straits of Gibraltar (except steamer routes which pass south of the extreme limits of ice of all types).
 - .3.4 routes via Cape Race, Newfoundland between Atlantic and Gulf Coast ports of the United States (including inland ports approached from the North Atlantic through the Gut of Canso and Cabot Straits) and Atlantic Coast ports of Canada north of Cape Race, Newfoundland.

- .4 *extreme limits of ice of all types* in the North Atlantic Ocean is defined by a line connecting the following points:

A	-	42°23'.00N, 59°25'.00W	J	-	39°49'.00N, 41°00'.00W
B	-	41°23'.00N, 57°00'.00W	K	-	40°39'.00N, 39°00'.00W
C	-	40°47'.00N, 55°00'.00W	L	-	41°19'.00N, 38°00'.00W
D	-	40°07'.00N, 53°00'.00W	M	-	43°00'.00N, 37°27'.00W
E	-	39°18'.00N, 49°39'.00W	N	-	44°00'.00N, 37°29'.00W
F	-	38°00'.00N, 47°35'.00W	O	-	46°00'.00N, 37°55'.00W
G	-	37°41'.00N, 46°40'.00W	P	-	48°00'.00N, 38°28'.00W
H	-	38°00'.00N, 45°33'.00W	Q	-	50°00'.00N, 39°07'.00W
I	-	39°05'.00N, 43°00'.00W	R	-	51°25'.00N, 39°45'.00W.

- .5 *managing and operating* means maintaining, administering and operating the Ice Patrol, including the dissemination of information received therefrom.

2 Each Contracting Government whose ships pass through the region of icebergs during the ice season shall reimburse the Government of the United States for its proportionate share of the costs for the management and operation of the ice patrol service. The contribution to the Government of the United States shall be based on the ratio which the total gross tonnage of that Contracting Government's ships passing through the region of icebergs guarded by the Ice Patrol during the previous three ice seasons bears to the combined total gross tonnage of all ships of all Contracting Governments' ships that passed through the region of icebergs guarded by the Ice Patrol during the previous three ice seasons. This ratio shall be computed annually, and shall be expressed in terms of a lump sum per-annum fee. The Governments of the United States and Canada are authorized to use the procedures described in paragraphs 3 and 4 for ships flying the flag of Contracting Governments that do not reimburse the Government of the United States within a reasonable time.

3 Where a Contracting Government considers it necessary, it may elect to have these costs collected from each of its flag ships using the services of the Ice Patrol. In such a case the Contracting Government shall so notify the Government of the United States of that election prior to January 1 of each year. In the absence of a new election prior to January 1, the billing method used during the previous ice season shall remain in use. The Governments of the United States and Canada are authorized to collect fees from each ship that benefits from the services of the Ice Patrol at the time such ship departs the last United States or Canadian port of call prior to transit by that ship through the region of icebergs guarded by the Ice Patrol and/or at the time such ship first arrives at a United States or Canadian port following transit by that ship through the region of icebergs guarded by the Ice Patrol.

4 All fees shall be based on the basis of gross tonnage, and shall be based on the ratio of the average actual cost incurred by the Governments of the United States and Canada of managing and operating ice patrol services during the previous three years to the average annual gross tonnage passing through the region of icebergs guarded by the Ice Patrol during the same three years. The cost of collecting the fees referred to in paragraph 3 above shall be included in calculating the amount of those fees.

5 The Government of the United States shall furnish annually to each Contracting Government a statement of the total cost incurred by the Governments of the United States and Canada of managing and operating the Ice Patrol for that year and of the average percentage share for the past three years of each Contracting Government.

6 The managing government shall publish annual accounts including a statement of costs incurred by the governments providing the services for the past three years; the total gross tonnage using the service for the past three years; and the associated cost per ton to be charged to individual ships the following year. The accounts shall be publicly available. Within three months after having received the cost statement, Contracting Governments may request more detailed information regarding the costs incurred in managing and operating the Ice Patrol.”
